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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Sean HANDEL et al.	)	Group Art Unit: 3622
	)	
Application No.: 09/196,338	)	Examiner: Duran, Arthur D.
	)	
Filed: November 19, 1998	)	Confirmation No.: 9014
	)	
For: A PERSONALIZED PRODUCT	)	
REPORT	)	

**Attention: Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPEAL BRIEF UNDER BOARD RULE § 41.37**

In support of the Notice of Appeal filed November 10, 2009, and further to 37 C.F.R. 41.37(a)(1), Appellants present this brief and enclose herewith a check for the fee of \$540.00 required under 37 C.F.R. 41.20(b)(2).

This Appeal responds to the final rejection of claims 1, 10, 11, and 25-29 mailed October 9, 2009.

If any additional fees are required or if the enclosed payment is insufficient, Appellants request that the required fees be charged to Deposit Account No. 06-0916.

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**I. Real Party in Interest**

The real party in interest is Accenture Global Services GMBH, the assignee of record.

**II. Related Appeals and Interferences**

There are currently no other appeals or interferences, of which Appellants, Appellants' legal representative, or the assignee are aware, that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**III. Status of Claims**

Claims 1, 10, 11, and 25-29 stand as rejected, and claims 2-9 and 12-24 have been canceled. No claim is allowed or objected to. The final rejection of claims 1, 10, 11, and 25-29 is being appealed. A list of the claims on appeal is found in the attached Claims Appendix. Furthermore, each pending claim of this patent application is separately patentable, and upon issuance of a patent will be entitled to a separate presumption of validity under 35 U.S.C. § 282.

**IV. Status of Amendments**

No amendment was filed subsequent to the Final Office Action mailed on  
October 9, 2009.

**V. Summary of Claimed Subject Matter**

The invention relates generally to a system for reporting personalized product/service rating information.

For example, independent claim 1 is directed to a computer-implemented method for delivery of reporting personalized product/service rating information, wherein the computer includes a processor and memory. See, for example, specification at page 2, lines 16-23. The method comprising steps performed by the computer of providing, by the processor, a database that stores a plurality of user records corresponding to a plurality of users. See, for example, specification at page 70, lines 1-18. Each user record is associated with a plurality of user personas stored in the database and each user persona is associated with a plurality of user profiles, and each user profile comprises a set of personal information data, the personal information data including direct user inputs, information based on use of the product/service rating information, a profile field, and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses. See, for example, specification at page 71, line 25 - page 73, line 17.

Each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service, wherein the product/service rating data is stored in the user profiles in the

database corresponding to the first subset of users. See, for example, specification at page 71, line 25 - page 73, line 17.

The method includes receiving, by the processor, from a requesting user a request for rating information for a desired product/service, wherein the requesting user is one of the plurality of users, and wherein the requesting user's profile is selected from a plurality of the requesting user's profiles. See, for example, specification at page 71, line 25 - page 73, line 17. The method also includes identifying, by the processor, a first set of user profiles, wherein each of the users associated with the first set of user profiles has previously submitted product/service rating data for the desired product/service. See, for example, specification at page 68, line 22 - page 71, line 23. The method also includes mapping, by the processor, the personal information data in the first set of user profiles along multiple dimensions to the personal information data in the user profile of the requesting user. See, for example, specification at page 68, line 22 - page 71, line 23.

The method also includes filtering, by the processor, the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles. See, for example, specification at page 75, line 19 - page 76, line 16. The method also includes determining, by the processor, whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile. See, for example, specification at page 75, line 19 - page 76, line 16. If



the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , the method repeats, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles. See, for example, specification at page 76, lines 1-16.

The method further creates by the processor, a set of product/service rating data for the desired product/service, wherein the set of product/service rating data comprises rating information from the second set of user profiles, and wherein the set of product/service rating data also includes product/service information from a content database including at least information about pricing from a variety of suppliers rated by the second set of user profiles. See, for example, specification at page 76, lines 1-16. The method further reports, by the processor, the set of product/service rating data to the requesting user. See, for example, specification at page 76, lines 1-16.

Independent claim 10 is directed to an apparatus that delivers personalized product/service rating information reports. See, for example, specification at page 2, lines 16-23. The apparatus includes a processor, a memory that stores information under the control of the processor, and a database that stores a plurality of user records corresponding to a plurality of users. See, for example, specification at page 2, lines 16-23.

Each user record is associated with a plurality of user personas stored in the database and each user persona is associated with a plurality of user profiles. See, for example, specification at page 71, line 25 - page 73, line 17. Each user profile comprises a set of personal information data, the personal information data including

direct user inputs, information based on use of the product/service rating information, a profile field, and a profile restriction. See, for example, specification at page 71, line 25 - page 73, line 17. The profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses. See, for example, specification at page 71, line 25 - page 73, line 17. Each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service. See, for example, specification at page 71, line 25 - page 73, line 17. The product/service rating data is stored in the user profiles in the database corresponding to the first subset of users. See, for example, specification at page 71, line 25 - page 73, line 17.

The apparatus also includes logic that receives from a requesting user a request for rating information for a desired product/service, wherein the requesting user is one of the plurality of users and wherein the requesting user's profile is selected from a plurality of the requesting user's profiles. See, for example, specification at page 71, line 25 - page 73, line 17. The apparatus also includes logic that identifies a first set of user profiles, wherein each of the users associated with the first set of user profiles has previously submitted product/service rating data for the desired product/service. See, for example, specification at page 68, line 22 - page 71, line 23. The apparatus also includes logic that maps the personal information data in the first set of user profiles

along multiple dimensions to the personal information data in the user profile of the requesting user. See, for example, specification at page 68, line 22 - page 71, line 23.

The apparatus also includes logic that filters the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles. See, for example, specification at page 75, line 19 - page 76, line 16. The apparatus also includes logic that determines whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile. See, for example, specification at page 75, line 19 - page 76, line 16. If the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , the apparatus includes logic that repeats the filtering logic and the determining logic at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles. See, for example, specification at page 75, line 19 - page 76, line 16.

The apparatus also includes logic that creates a set of product/service rating data for the desired product/service, wherein the set of product/service rating data comprises rating information from the second set of user profiles, and wherein the set of product/service rating data also includes product/service information from a content database including at least information about pricing from a variety of suppliers rated by the second set of user profiles. See, for example, specification at page 76, lines 1-16.

The apparatus further includes logic that reports the set of product/service rating data to the requesting user. See, for example, specification at page 76, lines 1-16.

Independent claim 11 is directed to a computer program embodied on a computer-readable medium that delivers personalized product/service rating information reports. See, for example, specification at page 2, lines 16-23. The computer program includes a code segment that stores a plurality of user records corresponding to a plurality of users in a database. See, for example, specification at page 2, lines 16-23.

Each user record is associated with a plurality of user personas stored in the database and each user persona is associated with a plurality of user profiles. See, for example, specification at page 71, line 25 - page 73, line 17. Each user profile comprises a set of personal information data, the personal information data including direct user inputs, information based on use of the product/service rating information, a profile field, and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses. See, for example, specification at page 71, line 25 - page 73, line 17.

Each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service. See, for example, specification at page 71, line 25 - page 73, line 17. The product/service rating data is stored in the user profiles in the database corresponding

to the first subset of users. See, for example, specification at page 71, line 25 - page 73, line 17.

The computer program includes a code segment that receives from a requesting user a request for rating information for a desired product/service, wherein the requesting user is one of the plurality of users and wherein the requesting user's profile is selected from a plurality of the requesting user's profiles. See, for example, specification at page 71, line 25 - page 73, line 17. The computer program also includes a code segment that identifies a first set of user profiles, wherein each of the users associated with the first set of user profiles has previously submitted product/service rating data for the desired product/service. See, for example, specification at page 68, line 22 - page 71, line 23. The computer program also includes a code segment that maps the personal information data in the first set of user profiles along multiple dimensions to the personal information data in the user profile of the requesting user. See, for example, specification at page 68, line 22 - page 71, line 23.

The computer program also includes a code segment that filters the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles. See, for example, specification at page 75, line 19 - page 76, line 16. The computer program also includes a code segment that determines whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of

user profiles and the requesting user's profile. See, for example, specification at page 75, line 19 - page 76, line 16. If the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , the computer program also includes a code segment that repeats the filtering logic and the determining logic at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles. See, for example, specification at page 75, line 19 - page 76, line 16.

The computer program also includes a code segment that creates a set of product/service rating data for the desired product/service, wherein the set of product/service rating data is from the second set of user profiles, and wherein the set of product/service rating data also includes product/service information from a content database including at least information about pricing from a variety of suppliers rated by the second set of user profiles. See, for example, specification at page 76, lines 1-16. The computer program further includes a code segment that reports the set of product/service rating data to the requesting user. See, for example, specification at page 76, lines 1-16.

**VI. Grounds of Rejection**

Claims 1, 10, 11, and 25-29 stand rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 6,112,186 to Bergh et al. ("*Bergh*"), in view of U.S. Patent No. 5,907,836 to Sumita et al. ("*Sumita*"), in view of U.S. Patent No. 6,452,614 to King et al. ("*King*"), in view of U.S. Patent No. 5,987,440 to O'Neil et al. ("*O'Neil*"); and further in view of U.S. Patent App. No. 2005/0177716 to Ginter et al. ("*Ginter*").

## **VII. Argument**

### **A. CI aims 1, 10, 11, and 25-29 are not obvious over Bergh, Sumita, King, O'Neil, and Ginter**

Appellants respectfully traverse the rejection under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original). In this application, a *prima facie* case of obviousness has not been established because the Examiner has not clearly articulated a reason why one of ordinary skill would find the claimed combination obvious in view of the cited references.

Claim 1 recites a method including, for example:

providing, by the processor, a database that stores a plurality of  
user records corresponding to a plurality of users,



....  
wherein each user profile comprises a set of personal information data, the personal information data including direct user inputs, information based on use of the product/service rating information, a profile field, and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,

wherein each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service, and

....  
filtering, by the processor, the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles;

determining, by the processor, whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile;

if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles

....

(Emphasis added). *Bergh* does not teach or suggest at least these features of claim 1.

*Bergh* discloses a system that “collects a number of subjective ratings given to items by users” (col. 2, lines 9-10). The Examiner correctly states that *Bergh* “does not explicitly disclose wherein each user profile comprises at least one unique user persona having a set of personal information and wherein the personal information includes a

profile field and a profile restriction such that the profile field contains detailed personal information and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses” (Final Office Action at page 17).

However, the Examiner states that col. 3, lines 25-45 of *Bergh* discloses different profiles have different rules and restrictions (Final Office Action at page 19). However, this passage of *Bergh* appears to disclose at least one profile may be created for each user. A first profile may indicate that the user avoids seafood restaurants on Fridays, and additional profiles may indicate “user’s restaurant preferences from Saturday through Thursday” and “user’s restaurant preferences on Friday.”

Appellants continue to submit that, while *Bergh* discloses user profiles, *Bergh* does not teach or suggest a user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,” as recited in claim 1. Moreover, *Bergh* also does not teach or suggest the claimed “at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

*Sumita* does not cure the deficiencies of *Bergh*. *Sumita* discloses a filtering apparatus (col. 2, lines 36-67). Appellants continue to submit that *Sumita* does not teach or suggest a user profile that comprises 1) “a set of personal information data, the

personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,” as recited in claim 1. Moreover, *Sumita* also does not teach or suggest the claimed “at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

*King* does not cure the deficiencies of *Bergh* and *Sumita*. *King* discloses a user interface “organized using different personae” (col. 2, lines 4-5). According to *King*, a user “can move from the master persona to alternate persona” (col. 4, lines 10-11). As depicted in Fig. 1 of *King*, master persona contains numerous folders 33-39 and information directory 31. Information directory 31 “contains contact information stored by the user” including telephone numbers and electronic mail addresses (col. 3, line 48 - col. 4, line 2).

If the user selects an alternate persona (i.e. “house buyer” and “Father of Fritz”), the folders and information directory associated with the alternate persona may be displayed (See Figs. 2 and 3 of *King*). Some of the contact information located in information directory 31 may be displayed for more than one persona. For example, contact “wife” is listed in the information directory 31 of “master persona,” “house buyer,” and “Father of Fritz” (See Figs. 1-3 of *King*).

The Examiner states, "Wife item is shared between House Buyer persona and the Father of Fritz Persona. Hence, in King each profile item can be unique to a Persona or it can be shared between Personas" (Final Office Action at page 21). Based on this interpretation of *King*, the Examiner appears to assert that the "wife" contact that is listed in the information directory 31 of "master persona," "house buyer," and "Father of Fritz" corresponds to the claimed "at least one of the user profiles [that] is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service," as recited in claim 1. The Examiner is incorrect.

Even assuming that the "wife" contact "is grouped in at least two user personas," which Appellants do not concede, the "wife" contact does not teach or suggest the claimed "user profile." According to claim 1, the user profile comprises 1) "a set of personal information data, the personal information data including direct user inputs," 2) "information based on use of the product/service rating information," 3) "a profile field," and 4) "and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses."

In contrast, the "wife" contact in *King* only contains "a voice telephone number" (col. 4, lines 1-2). The "wife" contact does not include 1) "a set of personal information data, the personal information data including direct user inputs," 2) "information based on use of the product/service rating information," 3) "a profile field," and 4) "and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a

pattern to restrict the rules to certain uses,” as recited in claim 1. A telephone number does not teach or suggest the four elements required in the claimed “user profile.”

Accordingly, *King* does not teach or suggest a user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses” in combination with “at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

*O’Neil* does not cure the deficiencies of *Bergh*, *Sumita*, and *King*. *O’Neil* discloses “a system for allowing an individual or entity to protect, command, control, and process personal information on a computer network” (col. 2, lines 6-8). The Examiner cites Figs. 28-33 of *O’Neil* to allegedly disclose “different users with different personas and rules associated with profile items/assets” (Final Office Action at page 22). Even assuming that this assertion is correct, which Appellants do not concede, *O’Neil* does not teach or suggest a user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses” in combination with “at least one of the user

profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

*Ginter* does not cure the deficiencies of *Bergh*, *Sumita*, *King*, and *O’Neil*. *Ginter* discloses a system for secure transaction management and electronic rights protection (Abstract). The Examiner states that different permissions, rules, constraints, or restrictions “can be applied to individual content/data/objects/containers” and “rules and permissions can be related to user profile information” (Final Office Action at page 27).

Even assuming this is correct, which Appellants do not concede, the mere teaching of applying rules and permissions to objects and/or user profiles does not cure the deficiencies of *Bergh*, *Sumita*, *King*, and *O’Neil*. The generic disclosure of rules, permissions, constraints, or restrictions does not teach or even suggest the claimed user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,” as recited in claim 1.

In addition to the above deficiencies, the combination of references also does not teach or suggest the claimed “mapping . . . filtering, by the processor, the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user

profiles . . . [and] determining , by the processor, whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile," in combination with "if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles," as further recited in claim 1.

The Examiner cites col. 10, lines 34-43 of *Bergh* to disclose a threshold value (Final Office Action at pages 6-7). Appellants continue to assert that *Bergh* merely discloses a predetermined threshold value  $L$  that may be "set to any value which improves the predictive capability of the method." Neighboring users "can be selected based on having both a threshold value less than  $L$  and a confidence factor higher than a second predetermined threshold."

Appellants submit that the predetermined threshold value in *Bergh* does not teach or suggest the step of filtering "the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles," determining "whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile," and "if the second set of user profiles differs from the requesting user's profile by more than the second threshold

variable  $y$ , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles,” as recited in claim 1.

The Examiner also cites *Sumita* to allegedly disclose “automatically repeating filtering steps to attain a level of accuracy in the similarity set” (Final Office Action at page 8). Even assuming this assertion is correct, which Appellants do not concede, *Sumita* does not teach or suggest the step of filtering “the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles,” determining “whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile,” and “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles,” as recited in claim 1.

According to *Sumita*, “various retrieving conditions or the threshold of the similarities are dynamically changed whenever the retrieval is performed or in accordance with results of plural and successive retrievals” (col. 5, lines 63-66). The conditions and threshold may be “allowed to automatically follow the change in the contents of the article which is being supplied” (col. 6, lines 1-2). *Sumita* also states, “[t]he threshold of the similarity is changed in accordance with the result of the retrieval



or a new threshold calculated in accordance with the result of the retrieval and the ground of the calculation are presented to the user to urge the user to change the threshold" (col. 56, lines 3-7).

While *Sumita* discloses a user that may change a threshold, *Sumita* does not teach or suggest the step of filtering "the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles," determining "whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile," and "if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles," as recited in claim 1.

*King*, *O'Neil*, and *Ginter* do not cure the above-mentioned deficiencies of *Bergh* and *Sumita*. Specifically, *King*, *O'Neil*, and *Ginter* also fail to teach or suggest the step of filtering "the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles," determining "whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles

and the requesting user's profile," and "if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles," as recited in claim 1.

As outlined above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Therefore, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the prior art and a *prima facie* case of obviousness has not been established.

Claim 1 is thus allowable. Claim 25 depends from claim 1 and is thus also allowable for at least the same reasons as claim 1.

Independent claims 10 and 11, though of different scope from claim 1, recite elements similar to those set forth above with respect to claim 1. Claims 10 and 11 are therefore allowable for at least the reasons presented above. Dependent claims 26-29 are also allowable at least due to their dependence from claims 10 and 11.

### **CONCLUSION**

For at least the reasons given above, pending claims 1, 10, 11, and 25-29 are allowable over the applied references. Therefore, Appellants respectfully request the Board to reverse the Examiner's rejections of claims 1, 10, 11, and 25-29 under 35 U.S.C. § 103(a).

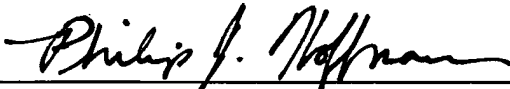
To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are

any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith,  
including any fees required for an extension of time under 37 C.F.R. § 1.136, please  
charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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Dated: January 11, 2009

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**VIII. Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)**

1. A computer-implemented method for delivery of reporting personalized product/service rating information, the computer including a processor and memory and the method comprising steps performed by the computer of:

- (a) providing, by the processor, a database that stores a plurality of user records corresponding to a plurality of users,  
wherein each user record is associated with a plurality of user personas stored in the database and each user persona is associated with a plurality of user profiles,  
wherein each user profile comprises a set of personal information data, the personal information data including direct user inputs, information based on use of the product/service rating information, a profile field, and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,  
wherein each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service, and

wherein the product/service rating data is stored in the user profiles in the database corresponding to the first subset of users;

- (b) receiving, by the processor, from a requesting user a request for rating information for a desired product/service, wherein the requesting user is one of the plurality of users, and wherein the requesting user's profile is selected from a plurality of the requesting user's profiles;
- (c) identifying, by the processor, a first set of user profiles, wherein each of the users associated with the first set of user profiles has previously submitted product/service rating data for the desired product/service;
- (d) mapping, by the processor, the personal information data in the first set of user profiles along multiple dimensions to the personal information data in the user profile of the requesting user;
- (e) filtering, by the processor, the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles;
- (f) determining, by the processor, whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile;
- (g) if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating, by the processor,

the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles;

- (h) creating, by the processor, a set of product/service rating data for the desired product/service, wherein the set of product/service rating data comprises rating information from the second set of user profiles, and wherein the set of product/service rating data also includes product/service information from a content database including at least information about pricing from a variety of suppliers rated by the second set of user profiles; and
- (i) reporting, by the processor, the set of product/service rating data to the requesting user.

10. An apparatus that delivers personalized product/service rating information reports, comprising;

- (a) a processor;
- (b) a memory that stores information under the control of the processor;
- (c) a database that stores a plurality of user records corresponding to a plurality of users,

wherein each user record is associated with a plurality of user personas stored in the database and each user persona is associated with a plurality of user profiles,

wherein each user profile comprises a set of personal information data,  
the personal information data including direct user inputs,  
information based on use of the product/service rating information,  
a profile field, and a profile restriction,

wherein the profile field contains detailed personal information of a user  
associated with the user profile and the profile restriction contains  
rules in the form of a pattern to restrict the rules to certain uses,  
wherein each of the user profiles for each user record is grouped into the  
user personas, each being related to a unique, useful context such  
that at least one of the user profiles is grouped in at least two user  
personas wherein a first subset of users from the plurality of users  
have each submitted product/service rating data for at least one  
product or service, and

wherein the product/service rating data is stored in the user profiles in the  
database corresponding to the first subset of users;

- (d) logic that receives from a requesting user a request for rating information  
for a desired product/service, wherein the requesting user is one of the  
plurality of users and wherein the requesting user's profile is selected from  
a plurality of the requesting user's profiles;
- (e) logic that identifies a first set of user profiles, wherein each of the users  
associated with the first set of user profiles has previously submitted  
product/service rating data for the desired product/service;

- (f) logic that maps the personal information data in the first set of user profiles along multiple dimensions to the personal information data in the user profile of the requesting user;
- (g) logic that filters the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles;
- (h) logic that determines whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile;
- (i) if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , logic that repeats the filtering logic and the determining logic at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles;
- (j) logic that creates a set of product/service rating data for the desired product/service, wherein the set of product/service rating data comprises rating information from the second set of user profiles, and wherein the set of product/service rating data also includes product/service information from a content database including at least information about pricing from a variety of suppliers rated by the second set of user profiles; and



- (k) logic that reports the set of product/service rating data to the requesting user.

11. A computer program embodied on a computer-readable medium that delivers personalized product/service rating information reports, comprising:

- (a) a code segment that stores a plurality of user records corresponding to a plurality of users in a database,  
wherein each user record is associated with a plurality of user personas stored in the database and each user persona is associated with a plurality of user profiles,  
wherein each user profile comprises a set of personal information data, the personal information data including direct user inputs, information based on use of the product/service rating information, a profile field, and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,  
wherein each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service, and

wherein the product/service rating data is stored in the user profiles in the database corresponding to the first subset of users;

- (b) a code segment that receives from a requesting user a request for rating information for a desired product/service, wherein the requesting user is one of the plurality of users and wherein the requesting user's profile is selected from a plurality of the requesting user's profiles;
- (c) a code segment that identifies a first set of user profiles, wherein each of the users associated with the first set of user profiles has previously submitted product/service rating data for the desired product/service;
- (d) a code segment that maps the personal information data in the first set of user profiles along multiple dimensions to the personal information data in the user profile of the requesting user;
- (e) a code segment that filters the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles;
- (f) a code segment that determines whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile;
- (g) if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , a code segment that

repeats the filtering logic and the determining logic at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles;

- (h) a code segment that creates a set of product/service rating data for the desired product/service, wherein the set of product/service rating data is from the second set of user profiles, and wherein the set of product/service rating data also includes product/service information from a content database including at least information about pricing from a variety of suppliers rated by the second set of user profiles; and
- (i) a code segment that reports the set of product/service rating data to the requesting user.

25. The method of claim 1, further comprising mapping of the personal information data based on pattern matching.

26. The apparatus of claim 10, wherein the personal information data is mapped with pattern matching logic.

27. The apparatus of claim 10, wherein the individual users have a plurality of user profiles, and wherein user access the user profiles through intention-centric interfaces.

28. The computer program of claim 11, and further comprising a code segment that maps the personal information data with pattern matching logic.

29. The computer program of claim 11, and further comprising a code segment that allows individual users to establish a plurality of user profiles, and wherein users access the users profiles through an intention-based interface.

**IX. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)**

None.

**X. Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)**

None.